IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

WP(C).No. 9787 of 2007(M)

PETITIONER:

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1. PRAKASAN, VADAKKOTTATHARA,
P.O.KOTTATHARA, AGALI, PALAKKAD DT.

2. VASUDEVAN, VADAKKOTTATHARA,
P.O.KOTTATHARA, AGALI,
PALAKKAD DT.

BY ADV. SRI.B.V.JOY SANKER

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
CHIEF SECRETARY, GOVT.SECRETARIAT,
THIRUVANANTHAPURAM.

2. DISTRICT COLLECTOR, PALAKKAD.

3. REVENUE DIVISIONAL OFFICER, PALAKKAD.

4. TAHSILDAR, MANNARKKAD, PALAKKAD.

5. SUB INSPECTOR OF POLICE, AGALI,
PALAKKAD.

6. RANGAN, S/O.MOOLA, VADAKKOTTATHARA,
OORU, P.O.KOTTATHARA, AGALI, PALAKKAD DT.

BY ADV. SRI.K.S.MADHUSOODANAN
GOVERNMENT PLEADER SMT. ANU SIVARAMAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS

EXT.P1: TRUE COPY OF THE PLAINT IN O.S.11 OF 1962 BEFORE THE MUNSIFF COURT, PERINTHALMANNA.

EXT.P2: TRUE COPY OF THE DECREE IN O.S.11 OF 1962 DATED 20.8.65.

EXT.P3: TRUE COPY OF THE JUDGMENT IN O.S.11 OF 1962 DT. 20.8.65.

EXT.P4: TRUE COPY OF THE PATTAYAM 12.3.73.

EXT.P5: TRUE COPY OF THE JUDGMENT IN O.S.122 OF 1972 DATED 20.12.75.

EXT.P6: TRUE COPY OF THE ORDER DATED 20.05.1998.

EXT.P7: TRUE COPY OF THE O.P.NO.11758 OF 1998 AND THIS HON'BLE COURT VIDE JUDGMENT DATED 11.08.2005.

EXT.P8: TRUE COPY OF THE ORDER DATED 27.02.2007.

/TRUE COPY/

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)NO.9787 OF 2007

DATED THIS THE 11th DAY OF JUNE, 2007

JUDGMENT

The petitioners challenge Ext.P8 order by which the 6th respondent was found to be entitled to get restoration of 2.38 acres of land by Kerala Restriction on Transfer by and Restoration of Lands to Scheduled Tribes Act. The petitioners submit that they have already filed an appeal against Ext.P8 order on 24.3.07. The petitioners now contend that although their remedy is to pursue that appeal, the 2nd respondent is not considering the petitioners' application for stay. In the above circumstances, the writ petition is disposed of as follows.

If the petitioners move a stay petition in the appeal stated to have been filed by them, the 2nd respondent shall consider the same and pass appropriate orders within two weeks from the date of receipt of the stay petition which shall be filed by the petitioners within one week. Till disposal of the stay petition, there would be a stay of further proceedings pursuant to Ext.P8

S. SIRI JAGAN, JUDGE

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